



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **SPECIAL MEETING** in the Council Chambers at City Hall on Monday, July 14, 2003, at 7:00 p.m.

### **1. Call to Order/Roll Call**

The following were present:

Mayor Billy Bain  
Vice Mayor Eric Elza  
Councilman Peter Pacheco  
Councilman Rob Youngs

Absent:

Councilman Jim Caudle

Also Present:

Interim City Manager/Bldg. Official Michael A. Sprovero  
Acting Asst. City Mgr./Chief of Police H. Randall Dilling  
City Attorney Jan K. Seiden  
Finance Director Charles G. Marshall  
City Planner Richard E. Ventura  
Public Services Director Denise Yoezle  
Parks & Recreation Director Alan Ricke  
City Clerk Magalí Valls

### **2. Invocation:** Vice Mayor Elza offered the invocation.

**Salute to the Flag:** The audience participated.

### **3. (Second) Second Reading - Ordinance - An Ordinance of the City Council of the City of Miami Springs Granting to Florida Power & Light Company, its Successors and Assigns, an Electric Franchise; Imposing Provisions and Conditions Relating Thereto; Providing for Monthly Payments to the City of Miami Springs, Florida; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 6/9/2003 - Advertised: 6/11/2003 and 7/1/2003)**

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that the second reading was previously scheduled, but the City Manager asked that it be postponed to have an opportunity to have one more meeting with the representative from Florida Power & Light (FP&L). Only one provision was changed in Section 12, and it refers to the City getting an additional thirty days on top of the ninety days already provided, for inspection and audit of the franchise rights of the City with FP&L. Everything was resolved to everyone's satisfaction.

Mayor Bain stated this was a public hearing. No one came forward and the public hearing was closed.

Eloy Villasuso from FP&L asked for the renewal of the franchise, which has been very successful for the last thirty years.

To answer Councilman Pacheco's question, Mr. Villasuso said that if the ordinance is adopted tonight, he should have FP&L's approval by the end of the month, and it would be effective on August 1, 2003. Based on the negotiations, the City would be getting an additional \$40,000, estimated conservatively. The payments are to be made on a monthly basis, rather than yearly.

**Vice Mayor Elza moved to adopt the ordinance on second reading. Councilman Pacheco seconded the motion.**

In response to Councilman Youngs' question, who asked the City Attorney to explain what the franchise entails for the benefit of the public, Mr. Villasuso replied that the franchise provides terms and conditions for the use of the City's right-of-ways.

Attorney Seiden added that in this ordinance there are provisions that state that, if FP&L has competitors, FP&L has to be treated fairly, and another section states that if FP&L enacts a franchise with more benefits to another municipality, then FP&L will be obligated to give the same benefits to Miami Springs.

**The motion carried 4-0 on roll call vote. (Ordinance No. 899-2003)**

**4. Second Reading - Ordinance - An Ordinance of the City Council of the City of Miami Springs; Initiating and Requesting a Boundary Change, by Annexation, for the City of Miami Springs of Certain Identified and Specified Contiguous and Adjacent Unincorporated Areas of Miami-Dade County; Providing City of Miami Springs City Council Approval; Delineating the Requested Annexation Boundary Change by Miami-Dade County; Authorizing all Appropriate and Consistent Actions by City Officers, Officials, and City Council Members; Directions to the City Clerk for Actions Required by this Ordinance; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 06/23/2003 - Advertised: 7/1/2003)**

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden said this is the second reading of the ordinance and it is also the required public hearing under County Ordinance Section 20-3. Once the ordinance is approved, the next step would be to finalize certain details, which Council will consider tonight and then have the Consultant, Corradino Group, begin the application process.

Attorney Seiden explained that the ordinance is a precursor in the annexation process, and a specific requirement before filing the application. The County ordinance requires a public hearing, and since the City's provisions require a public hearing on second reading, the hearing was scheduled at this time. Between the last hearing on the ordinance and tonight, both the Consultant, the City Clerk, and Staff have worked diligently to send out public and individual notices to all the property owners in the various areas subject to annexation, which is a requirement of the County Code provisions. The notices have been sent, and the City has complied with all the requirements.

Attorney Seiden said that the ordinance deals specifically in Sections 2 and 3 with Exhibits that will be attached to the ordinance, a description and a map depicting the areas of annexation. The City has advertised probably an expanded area, trying to take into account a larger area than the City may eventually annex, but it is possible that it may be that area, and it is more prudent to advertise for the larger area.

The City Attorney said that a few things would have to be determined at this point. Council had previously agreed to except out of both the legal and the map, Exhibits "A" and "B", the FEC property, because theoretically they are going to be declared an area of regional impact. In addition, Staff has to check if the southern boundary of Area "B" is currently set at the centerline of N. W. 20<sup>th</sup> Street. Staff is still checking, and this would have to be determined before the application is submitted to the County, whether the proper boundary for that area is more properly, from the City's interests, where it is set now, which starts beyond the bridges and moves westerly and into the Canal, and it is not a straight line.

Attorney Seiden said that one of the questions during the Staff meeting, at which Councilman Youngs was present, was to determine what the actual northern boundary of the City of Miami is, because more than likely, the County is going to require that the boundaries meet with one another and not to artificially create an area that would not belong either to the City of Miami or to Miami Springs. This will have to be finalized before any ordinance is officially submitted to the County.

Attorney Seiden said that the second boundary issue that he is concerned with, is that in the north side, the current boundary is the continuation of the centerline of the street line of N. W. 74<sup>th</sup> Street, which supposedly connects with the southern boundary of the Town of Medley. However, there is a triangular shaped piece of property at the corner of North Royal Poinciana Blvd. and N. W. 74<sup>th</sup> Street that he is not sure at this point, and it might be an area that the City needs to include, as he thinks it is included in the legal description. The City Attorney wondered if Mr. Corradino had an answer for this issue.

According to Attorney Seiden, the final issue that has to be determined as far as boundaries are concerned, is the southernmost boundary of Parcel "C" which is the area by the airport on 16 and

25<sup>th</sup> streets. A decision has to be made as to the proper boundary so that the City does not infringe upon either the City of Miami, or Airport, or County property that they may wish to keep adjacent to the area of regional impact.

To sum up, the City Attorney said that the above three issues have to be checked out, and as soon as the Staff makes a determination, the legal descriptions and the maps will be revised to properly reflect those accurate boundaries.

Attorney Seiden pointed out that the City has received letters and several telephone calls from people who own property in Area "B" and Area "C". There were three letters from property owners, two of which are in Area "C", and one from an attorney representing property owners in Area "B" on N. W. 27<sup>th</sup> Avenue, just east of Le Jeune Road. The Staff has had a meeting with an owner of a boat yard in area "B". At some point, it would be important for the City to address all the issues and concerns of the people, including future land use issues, zoning and other regulatory matters that may affect a property. They are also concerned about taxation and services.

The City Attorney continued explaining that one of the main issues to be stressed to all property owners that could be involved in this process, is that annexation is inevitable, whether it takes place now or in the near future. Based upon what the County wants to do, some City is going to annex these areas. The County Commission has indicated that all the cities adjoining these areas, Medley, Virginia Gardens, and even the future City of Doral, have an interest in annexation of these areas. The City of Miami may also be involved. At some point, there would be meetings and negotiations with these municipalities as to whether an agreement can be reached regarding annexation of certain parcels.

Attorney Seiden said that it is his understanding that the County Commissioners would rather see a united front with everybody involved agreeing to certain annexation areas. Even after the application for annexation is filed, the City will spend between 8-18 months, or possibly longer in the annexation process. There are at least two committees that have to review the application from the County standpoint and finally the County Commission will vote on the issue. The City will have to schedule meetings with property owners of "B" somewhere in that area, and with the property owners of "C" somewhere in their area, so that there is a question and answer session with Staff, not necessarily involving the City Council.

Attorney Seiden stated this was a public hearing and anyone who wished to speak could come forward prior to Council voting on the ordinance. If the ordinance is approved, the legal descriptions and maps have to be finalized and submitted with certified copies of the ordinance to the County Clerk.

Joe Derry of 13 South Royal Poinciana Boulevard, # 11, referred to the eastern boundary of Section "B", described in the original Corradino report, and the materials for the meeting tonight as South east River Drive. Between S.E. River Drive, further to the East 100-200 yards, is the Miami River

and that is what seems to be a natural boundary if the County is trying to get rid of some areas. He thinks that this issue should be on the list of items to be resolved.

City Planner Richard E. Ventura stated that the City would like to keep the boundary as specified in the legal description of "B" as advertised.

Councilman Youngs clarified that the current N. E. boundary of Miami Springs, west of Le Jeune Road is the Miami River and not River Poinciana.

Fran Bohnsack, Executive Director of the Miami River Marine Group, which is an association of the marine industry, the cargo carriers, the tugboats, etc. that work along the Miami River, stated that she wanted to bring to Council's attention the following: The boundary selected by the City for the east side, South River Drive, in the center of the road, is not the best because most of the shipping terminals located on the waterfront have their warehouses and businesses across South River Drive and the boundary would in effect create a situation where half of the business would be located in the County and the other half in the City, which would be confusing and inconvenient.

Ms. Bohnsack said that the port of the Miami River is different from most other ports in that the major bulk of what it is a \$4 billion value to the local economy in annual income revolves around the mouth of the river, the reason being that it was deliberately established to grow in the County where it could take advantage of minimum taxes and thereby offer some competition with the government-owned port like the Port of Miami. They are concerned with issues like water, services, especially Police.

Ms. Bohnsack said that her industry has been working very hard in collaboration with the Miami River Commission for at least the last four years, two of which have been totally dedicated to the developing of plans for the Miami River, and it looks at the river as a whole. This is an inclusive plan that has protection for neighborhoods and encourages downtown development for the City of Miami, and also encourages protection and growth for the shipping industry, which is very important for the well-paid, blue-collar jobs offered by the industry.

Ms. Bohnsack added that they are aware that the participants of the plan are the City of Miami and the County. The County is ready to authorize the plan and create appropriate zoning. The City of Miami already has a marine industrial zoning and the County is only industrial, but they want to create a marine industrial zoning. They have new requirements having to do with homeland security and they will be very expensive requirements and modifications to all of these terminals, which are privately owned. She has obtained a \$1MM grant for the river, but if they cannot implement the plan because the City has jurisdiction, then it may be that the City would have to implement the plan.

Ms. Bohnsack suggested that Miami Springs should draw the boundary line so that South River Drive and any property that fronts it, either on the north side which would be the river, or the south side, which would be the co-owned properties, would be excluded.

Francisco Fernandez of 1260 Quail Avenue stated that annexation is a good idea, but the City needs to be aware that in the areas being proposed for annexation there are approximately 1,100 registered voters. His concern is that with the small voter turnout that there has been in the recent past, one could end up with a bulk of outside voters making decisions for Miami Springs' residents.

Interim City Manager/Building Official Michael A. Sprovero clarified that in areas "B" and "C" there are less than twenty registered voters in each area. The 1,100 voters are in area "A", which is not being considered at this time.

Yvonne Shonberger of 85 Deer Run stated that the decision on annexation has potential for very extreme negative or positive effects. The positive side is the revenue that the City could receive from the industrial area that would help lower the taxes for all residents. The proposed annexation area would triple the size of Miami Springs and even though there are not a lot of voters out there now, there certainly could be more in the future. The Consultant that the City hired would be looking at the cost of providing infrastructure and services for the new areas. In this case hiring a consultant was a good decision. On the other hand, she asked Council to rethink the idea of hiring a lobbying firm because the City could be either successful or unsuccessful in annexation despite the lobbying firm, and the cost and expense account that a lobbyist would expect entails a lot of money just to improve the chances of being successful.

Martin Waas of 5582 N. W. 79<sup>th</sup> Avenue stated that he was representing nineteen property owners in Section "C" of the proposed annexation. This area with boundaries from approximately 58<sup>th</sup> Street to 74<sup>th</sup> Street, from 97<sup>th</sup> Avenue east to 69<sup>th</sup> Avenue is 100% industrial, mostly small import and export companies. From his office, on N. W. 79<sup>th</sup> Avenue and 56<sup>th</sup> Street, in the new City of Doral, it takes him approximately five minutes to get to a piece of property he manages on 68<sup>th</sup> Street. Originally, when the borders of the City of Doral were considered, that section was taken out of Doral, and he does not know why because it is the only portion left now that it is unincorporated between Medley and Doral. His main concern has to do with what benefits the owners would receive.

Vice Mayor Elza said that the plans call for building a Police substation in that area and also a Public Works Department.

Teresa Ryan of Pan Atlantic Corporation, 3284 N. W. South River Drive asked if the zoning would be changed after the properties are annexed to Miami Springs.

City Attorney Jan K. Seiden clarified that this issue is something that the County will address with the City. At this point, the Council has not spoken about these issues, but the City anticipates that the people in these areas would get the benefit of not only what their current land use and zoning regulations are, but the City would have to adopt a Comprehensive Plan that the County has now in effect for that area, at least until the year 2010.

Attorney Seiden stated that the City is not looking to do anything to down zone or change any of the relationships of the businesses in the area. The City would want to extend the same benefits and

regulations that exist within the County, and the City may end up adopting a District for that area specifically, which will mirror what the County regulations are.

Attorney Seiden informed Council that when the City annexed the Abraham Property, where the hotels are now on 36<sup>th</sup> Street and Le Jeune Road, part of the agreement the City had with Anthony Abraham at the time was that their uses would be the same as they had under the County regulations and this is quite a common process when doing annexations. Obviously, no one would want to be annexed if the industrial area is going to be changed to a residential area, and that is not the intention of the City. The chances that there would ever be a residence built in this area are very limited and the City is trying to increase its area of exposure but not to the detriment of anybody else.

Ms. Ryan inquired about the Miami River area and the City Attorney clarified that the area of annexation does not include that area. The County may impose upon the City, as part of the annexation process, that they want the City to go one way or another, and at this point this issue is out of the City's hands at this preliminary stage.

Sandra Ham (sp?) spoke on behalf of her father Angel, who is the owner of a mobile home trailer park located at 2260 N. W. 27<sup>th</sup> Avenue, and she was notified that her property is not affected by the annexation since it is located in Area "A" not being considered by the City now.

Mario Molins, who lives in Doral and is a former member of the Doral Municipal Advisory Committee and member of the Miami-Dade County Boundaries Commission, said he was present on behalf of some friends and neighbors. The City of Doral expects that Miami Springs should be able to expand its boundaries and increase the tax revenue, but Doral would like to work out something so that the City of Doral would also have a chance to expand on the portion west of the Palmetto only. That portion west of the Palmetto was already talked about during the County hearings with Doral in the process to allow Doral to become a City, where the County set that this area will be taken out temporarily pending a study, but it was never said that it would be annexed by anyone else. There are a number of people in Doral who have established a claim on the area just west of the Palmetto and south of 74<sup>th</sup> Street, and this would be essentially part of Area "C", taking the area south of Medley and out to 97<sup>th</sup> Avenue. Mr. Molins said he wanted to bring greetings from the City of Doral and inform Council that they would support Miami Springs with the rest of the annexation area.

Martin Marquez of 401 Hunting Lodge Drive stated that as Councilman Caudle once said, the three most important issues in Miami Springs are annexation, annexation, and annexation and he agrees with that statement, but after reading the Consultant's report, he wanted to caution Council: "Be careful of what you wish for, because it just might come true".

Mr. Marquez said that when he first heard about the annexation, he thought it might be a good thing for the community, but after reviewing the Consultant's report, which clearly points to Section "C" as the most viable area, he is concerned that the proposed plan is to annex three times the land area

of the City and having to finance all the additional governmental structure, services and staffing that will be required to accommodate what is recommended in the report.

Mr. Marquez said that even if a portion of the proposed area is going to be split with Virginia Gardens and Medley, he wondered if the return on investment necessary to undertake and run this new City still makes economic sense. The lure of possibly reducing the tax burden to Miami Springs' residents due to the annexation is a strong attraction, and there is no question about it, but the flip coin can be a financial boondoggle that could easily outweigh the attraction, especially if the Consultant's projections prove to be even remotely inaccurate.

Mr. Marquez added that tonight many people presented different ideas that were not even considered, and there are a lot of hidden costs and expenses in annexation, which could prove to be a real disaster. He is concerned that the residents of Miami Springs are not really aware of the consequences and ramifications of the proposed annexation. The City Attorney indicated that he notified all the property owners, and by law, he did the right thing, but most of the property owners in Miami Springs, who will be affected by the annexation in one way or the other, are not really familiar or aware of what is happening, and they need to be aware. He suggested putting out information on the website.

Mr. Marquez is also concerned that the community resources are very limited and he asked Council to reconsider spending of further tax dollars on paid consultants to negotiate with the County without getting the entire community support for this effort. He is of the opinion that the residents of Miami Springs enjoy a small town identity, and with the annexation, the government will be bigger, and less accessible and responsive to the residents and more responsive to the West Dade taxpayers.

Mr. Marquez said that since this is an involuntary annexation, in an area with little or no residents, a vote of the residents of Miami Springs would not be required by law before annexation. He encouraged Council to get the backing of the entire community on this effort, via a referendum, before proceeding to spend more money.

Lisa Valdes of 3661 N. W. 20<sup>th</sup> Street stated that she was not informed about the annexation, and she heard about it from her mother in law, who lives a block away from her on 19<sup>th</sup> Terrace. She is one street across from the City of Miami and she does not know if the annexation would be good for her neighborhood. She wondered if Miami Springs would patrol the area or how the Fire Department will react in case of a fire. She is concerned with what might happen with the annexation and wants to find out more about this issue and would like to be informed of any forthcoming meetings.

City Attorney Jan K. Seiden said that the annexation process is at an early stage and he anticipates having meetings somewhere in Areas "C" and "B".

Vice Mayor Elza thought that Ms. Valdes' property is in the proposed annexation area.

Ms. Valdes said she is on N. W. 20<sup>th</sup> Street on the north side. She said that street is the only one in unincorporated Miami-Dade County, and the street across belongs to the City of Miami.

Vice Mayor Elza informed Ms. Valdes that the plan calls for a Police station in Area "B". There will be no changes with the Fire Department.

The City Attorney added that the City would be willing to supply certain services and that the services she already receives will probably stay the same.

Ms. Valdes inquired if the taxes will change and the City Attorney responded affirmatively. He added that one of the reasons the City is interested in annexation is because the tax base needs to be expanded, and by doing this, it could reduce the millage rate across the board and lower taxes for the entire area. The theory behind is that sooner or later some City will annex Ms. Valdes' area.

Ms. Valdes said that she is concerned with the water, and she has ocean access from her property. She wonders how high the taxes will go if the property is annexed to Miami Springs.

The City Attorney explained that the valuation of Ms. Valdes' property would not change because of the annexation. The property assessments are not handled by municipal governments, but by the County, and this will remain the same. The only thing that will change is the application of whatever appropriate millage will be to the assessed value, and this is something that will be determined in the future.

To answer Ms. Valdes' question, the City Attorney asked her to leave her name and number with the City Planner.

Celia Otero of 3521 N. W. 20<sup>th</sup> Street stated that she found out about the meeting only an hour before the meeting, and she visited six of her neighbors, and none of them were notified of this meeting. She requested to be informed in the future of any meetings that may be scheduled regarding annexation.

Judy Karpis of 1170 Quail Avenue stated that she was not going to speak, but she found some very interesting information on the Internet. Cities in Broward County have annexed areas that are favorable and they have left undesirable areas unincorporated. A bill has been introduced in the legislature, which will state that if municipalities like Miami Springs do not annex the unwanted areas by 2006-2008, that they will be absorbed into the municipalities because the trend is towards getting rid of unincorporated areas of the County, since the infrastructure and tax base cannot support them. This is happening all over Florida, and even if Miami Springs decides not to annex, the City may end up with an unwanted parcel of land, therefore, it is to the City's advantage to pick an area and go with the natural boundaries, the Canal and the Expressway since this is what the City Commission wants. She added this is an in-depth issue and encouraged Council not to get emotional about it, but to become informed about it. She is of the opinion that Miami Springs is doing the right thing by picking the parcels versus being forced to take them later on.

Donna Hernandez of 769 Pinecrest Drive stated that six months ago she did not know very much about annexation, and she still does not know too much about it other than what she has learned in the last week and what she has heard tonight. She knows that the annexation could increase the tax

base and she is aware of the many problems the City is facing at the Golf Course, but her concern is that there could possibly be at least 1,000 extra voters.

Vice Mayor Elza clarified that this was not the case.

Ms. Hernandez was concerned if Miami Springs has adequate personnel to handle the new addition and she asked what will happen with the downtown revitalization, to the restaurant in the Golf Course, and if they are going to be put on the back burner. She warned Council not to bite more than the City can chew. The City has been struggling for a long time to make a decision regarding just one avenue in Miami Springs, and she is concerned that the annexation, if not done right, could hurt the City.

Buzz Fleischmann of 810 Pinecrest Drive compared the Miami Springs annexation plan to the Louisiana purchase. He inquired if this was the last public hearing on the issue.

The City Attorney responded that from the City's perspective, this is the second and last hearing for the application purposes. However, Council could further re-advertise and hold another hearing. He added that there would be plenty of public hearings with the County.

Mayor Bain stated that the process would be made public as the City proceeds with the annexation.

The City Attorney said that there is a good chance that a lot of this initial process may be negotiated with other local governments and the residents would have the opportunity to attend other public hearings.

Mr. Fleischmann questioned the boundaries and added that Doral is also interested in the same area that Miami Springs is interested in.

Vice Mayor Elza explained that Doral just voted to incorporate as a City and they voted on the boundary at that time as to what land they wanted as part of their City. He added that Miami Springs was considering three areas for annexation and the beginning of the application process will begin with Areas "B" and "C", but what the City may end up with will probably not include all of that area because there are other municipalities interested in the same areas. In the end, it will be a compromise among the cities.

Councilman Pacheco said that the County Commission has basically stated that they would like all the municipalities involved to sit down and come to an agreement and draw the boundaries. The Council will always keep the residents informed.

Vice Mayor Elza said that a business plan is already in place prepared by the Corradino Group. The plan includes steps for funding, it is public record, and residents may view the document at City Hall.

Judy Neubauer of 549 Albatross stated that she has lived in Miami Springs for thirty years and she

does not like the high taxes, but she feels this is the California Gold Rush. She asked Council if they have thoroughly researched this matter to see what the costs to the City will be. Also, she wanted to know if at any point during the annexation process the City could pull the plug.

Mayor Bain assured her that it could be done.

Vice Mayor Elza added that there would be plenty of people ready to incorporate the areas in question, if Miami Springs does not want them.

Ms. Neubauer added that there are some brilliant people in the City, and that there is no need to hire a lobbyist.

Bill Booher of 931 Bluebird Avenue stated that Miami Springs and its boundaries are unique. He urged Council to keep everything like it is now. He also expressed opposition to the idea of hiring a lobbyist.

Rolando Ayo Jr. of 2509 N. W. 74<sup>th</sup> Avenue stated that he is right next to the Canal on 25<sup>th</sup> Street. He asked why it would be beneficial for him if the land is annexed and if the taxes are going to be increased. He said he already pays enough taxes and it is difficult to survive in this economy. He said that he represents four owners who were not informed of this meeting.

Councilman Pacheco stated that Mr. Ayo needs to realize the fact that the land will be annexed by one of the municipalities.

Vice Mayor Elza informed Mr. Ayo that whether Miami Springs or Medley annexes his land, the millage rate in the two municipalities is about the same. He added that if annexed by Miami Springs, he would have better police protection than he ever had, and the City also plans to put a Public Works Department in the area. He assured Mr. Ayo that the new commercial area would get the same A1 service that the City offers to its residents.

Councilman Pacheco asked Mr. Ayo to leave his name and address with the City Planner.

Councilman Youngs added that it is not economically efficient for Miami-Dade County to serve the enclaves around the County and they have adopted a policy that all land will have to be annexed. The tax rate could go up depending on the millage rate of the City as compared to the County rate. The correct comparison is to consider which City will provide the best services, and the two services that the new areas would need are road maintenance and the Miami Springs Public Works Department is one of the best. The City also has the best police force and there is value to be added in exchange for the higher tax rate.

Councilman Youngs added that this is only a start, and the notifications were made according to the tax rolls, which are not always accurate. Annexation is a long process and the City could back out in any particular area subject to the influence of the surrounding cities and subject to the Boundary Committee of the County and the County Commission.

The City Attorney added that, without being disrespectful to other municipalities, if Miami Springs annexes a particular area, they would get all the services the City will provide and eventually, that will be taken into account for the property value.

Marjorie Palmer of 141 Palmetto Drive stated that Hialeah Mayor Raul Martinez recently spoke to the Rotary Club and he gave a speech on a parcel of land that the City was totally uninterested in and tried to back away from. As it turned out, Hialeah ended up with the parcel and they had to develop everything from scratch, but it turned out to be a fabulous windfall for them. She heard so many people tonight worried about the annexation and she told them that this could be good for Miami Springs.

Peter Gresh of 437 Lark Avenue, a resident of Miami Springs since 1953, stated that it looks like the City of Miami Springs botches everything, and it has problems that cannot be solved. He said that Vice Mayor Elza mentioned that the City would build a Police station and this could balloon into something the City does not even know about it. He does not see any monetary gains. He was of the opinion that sometimes Council takes on projects just to have something to do, and annexation is one of them.

Shirley Taylor-Prakelt of 376 Linwood asked about the time frame for the preparation of the report and what was the fee paid to the Corradino Group.

Joe Corradino of the Corradino Group stated that his company started on the project probably in January and they have been paid initially \$30,000. The draft report was put together in ninety days.

Ms. Taylor-Prakelt said that information is important since Council is considering a decision that could affect Miami Springs' quality of life. She believed that ninety days is not sufficient time to adequately study something of this nature in her professional opinion, having worked for local government for over thirty years.

Ms. Taylor-Prakelt said that annexation could bring good or bad things. She worked on the Broward County annexation, and the Broward County area has rushed to annex property and they are now sorry for having done it, including the municipality where she works. They annexed areas without thorough study and ended up paying up more in unanticipated expenses, which are more than the revenues.

Ms. Taylor-Prakelt said that Mr. Sprovero knows of the area to which she is referring, acquired in the north east portion of Davie, that includes mobile homes owned by a prominent Broward individual, who somehow got an annexation agreement that exempted them from enforcing any codes in the municipalities. It would be disingenuous to let the public think that what Council is discussing tonight would be the end product of what Miami Springs will annex. This Council cannot say that in ten or fifteen years the zoning on those properties is not going to be changed by another

set of elected officials, so the decisions that are made today open the door for future decisions by people who are not currently sitting on Council. She is sure that the present Council has good intentions of bringing additional revenue, they cannot judge what people will do in the future, once the area is annexed.

Ms. Taylor-Prakelt said that Miami Springs was founded in 1926 by Glenn Hammond Curtis to be exclusively a bedroom community, and it was never intended to have a major commercial corridor or industrial sector. She said that the City is trying to become something that the municipality was not chartered to be. The original Land Use Plan clearly dictates that there is a quality of life that is unique in Miami Springs, and which she likes to call Mayberry, which is unlike anything else in the rest of the County. The City is rushing to grab land that the County admittedly cannot wait to get rid of. She asked Council to look into this because there is a reason why the County wants to disposes itself of that responsibility and burden. She does not feel that the residents of Miami Springs want that burden added to them. They all want to see property taxes stabilized but instead of looking how to generate new revenue from acquiring properties whose impact has not been sufficiently studied, the City should be looking a little closer to home to determine why a municipality of the small size of Miami Springs needs the level of administrative services it currently has.

Ms. Taylor-Prakelt said that she worked for the City in 1971 and Miami Springs has not grown one percent. The City has been built out for twenty-five years, so it should not take any more to administer the town today than it did before. The City continues to hire and put people in high level positions and to run the City today costs two to three times more than it did, compared to 1975. The money spent on the Consultant and what the City is planning to pay a lobbyist should be reinvested back into the community. She asked what was the amount the City was considering to pay to the lobbyist.

Ms. Taylor-Prakelt referred to what the previous speaker said, and she does not mean to be disrespectful, but if the City cannot manage what it has, why is the City going after additional parcels. The City does not have a history of stable management, there is constant turnover in the City Manager's position, which is currently vacant, and the City has not done a good job of managing what it has now, the downtown revitalization being a perfect example. The previous Council tried to do something the residents did not want and \$200,000 was wasted paying for consultants.

Ms. Taylor-Prakelt asked Council to listen to what the people have to say and to not just listen to the people in the proposed areas of annexation, but to the current residents, who will be adversely affected. There is potential for additional revenue, but Council needs to do more homework, and look at what the current administrative budget is.

Ms. Taylor-Prakelt took a quick look at the annexation report and noticed that two Code Enforcement inspectors would be added to the Building Department. There are only two inspectors now and they do not do an adequate job in the small community. She does not believe that two additional inspectors would cover such a large area of annexation. She wondered if Council would hire a new City Manager who has experience handling a larger municipality with an industrial and

commercial tax base, with a specialized marina industry, which is totally unknown to the Fire and Police personnel.

Ms. Taylor-Prakelt said the City bought the Golf Course simply because Council wanted to preserve it from going to the hands of developers and to keep it green, but the City keeps losing money there. She asked Council to ask themselves the question of whether or not they want to change the residential character of Miami Springs. She wants Miami Springs to stay Mayberry. She suggested that Council sharpen their pencil, cut the fat and waste in the budget and do a better job of running what the City already has. Taxes could go down without annexation. She urged Council to vote against annexation.

Alfred Whittenberg (sp?) of 107 South Royal Poinciana Boulevard stated that he has lived in Miami Springs for over forty years and is asking Council to set up priorities. The number one priority that Council should address is the restaurant operation at the Country Club. It needs to immediately be closed to stop the hemorrhaging that is going on. He pleaded with Council to earmark additional monies for the Police Department as he has been robbed three times. He believes that cameras should be installed at the places where there is usually trouble, i. e. Office Depot, Holiday Inn, Bennigan's, etc.

Henry Flowers of 180 Navajo Street stated that he has lived in Miami Springs for thirty-three years. He likes Mayberry. He said that the City would be liable for any contaminated areas in the proposed parcels to be annexed. He added that he goes to the Country Club on Fridays and on one of his last visits to the restaurant, there were no plates on the table, bread was not served, and he does not agree that the food is great. He only goes there because it is the City's Country Club, but not because of the great food. There are many restaurants in the City that serve better food. It is his understanding that the City is paying \$55,000 a year for a man that is normally not even there on Friday nights.

Mr. Flowers voiced his opinion about annexation.

Councilman Pacheco stated that Council has addressed the issue of contamination and the liability, but the City will not be responsible, but the property owners themselves.

Aley Castano of 3361 N. W. 20<sup>th</sup> Street stated that the City would be acquiring a piece of the river with the annexation and it stretches from South River Drive to the bridge. There are 19-20 residences and he has lived there for 36-37 years. He loves the area, and his neighbors care about it a lot. They receive little notice about the meeting. He said the river is an issue, and it needs a lot of help, maintenance and patrolling. He prefers to remain in the unincorporated area.

Mayor Bain closed the public hearing. He asked Council to discuss the issue.

Councilman Youngs referred to the area between South River Drive and the Canal because the County has indicated they want the City to deal with natural boundaries and not leave enclaves, and there would have been an enclave left between South River Drive and the Canal. On the other hand, Fran Bohnsack from the River Association had suggested that the boundary be backed up even

further.

Councilman Youngs asked the City Planner to come forward and participate in the discussion.

Councilman Youngs stated he is not sure whether the City can back up to where the boundary line is.

The City Attorney indicated there would be a problem going further towards the river at this point because the boundaries have been advertised as being the centerline of South River Drive, and the boundary cannot be expanded without further advertising.

Vice Mayor Elza suggested leaving the boundaries as they are now and start forward. As the City proceeds, the necessary adjustments can be made in the boundaries, but if the City tries to expand them now, they would be back to notifying more property owners and having additional hearings, and as the process goes forward, the boundaries will be determined.

Councilman Youngs stated that the City is in the application stage and the areas can be broken down in smaller sections, and the feasibility of each section can be looked at as the City works with the County. The City's approach has been to be as inclusive as possible, but it might be too late tonight to make changes, so it will be better to stick with the existing published boundaries.

City Attorney Jan K. Seiden stated that the County could tell the City that it is creating an enclave by using the boundary of the centerline of South River Drive and they might direct the City, as part of their boundary hearing process, to either back it up or include it. Also, it is possible, because the banks may be considered to be contiguous, so they may be considered natural boundaries. He recommended not expanding the boundary without notifying the property owners and re-advertising.

Attorney Seiden explained to Council that they have several options. The ordinance is before them for approval on second reading, although apparently many people did not receive notices, but they are present, which means there has been a lot of talk about the annexation issue. As Councilman Youngs stated earlier, sometimes the tax rolls are not accurate, or there is absentee ownership, etc., but in this case, some owners are present and the City Planner has obtained their names and contact numbers.

Attorney Seiden continued explaining to Council that they have the option of continuing the public hearing, and it would have to be re-advertised, if they feel that they are not in a position to vote tonight.

Vice Mayor Elza was in favor of proceeding using the advertised boundaries as proposed and then filing the application. The boundary could be adjusted as the City moves forward with the application process.

Councilman Youngs said that Council took a look at Parcel "A", and the City's Consultant, the Corradino Group recommended, after a feasibility study was done, that it did not make sense for the City to annex that section, however the County has indicated that they are going with the trend in the

State and that there should not be unincorporated municipal service areas or enclaves and give them over to cities. The County is committed to doing it and they have policies and ordinances for enforcement. The economic reality is that if costs go up, and for example from 1971 to 1975, admittedly, if the cost has gone up three times to run a City, not all of that is over-inflated executives and administrators, it is just that the cost of everything is going up and the tax rate is capped, so what needs to be done in this economic reality is to have an optimal mix of commercial and residential.

Councilman Youngs said that it takes more services and it is more expensive to service a residential property than it is to service a commercial property, in terms of police, roads, water, etc. There is a tax motivation for having commercial properties annexed if it is determined, according to the consultant, and the County, that the City can service each of the areas and service them economically now as opposed to what extra tax revenues they might generate. He said that the City needs to consider the millage rate, analyze the figures, use best and worst case scenarios, and determine what could be ahead for the City.

Councilman Youngs said that all that the City has done is look at three parcels, and it was determined that Parcel "A" is not feasible, in Parcel "B" it looks like there might be a present tax loss, and one of the things is that Parcel "B" is an enclave, and if it is advisable for Miami Springs to take, and it is taken at a tax loss, this could be considered in the overall picture. When the City goes to the County and asks them to give preference to Miami Springs over Medley, Virginia Gardens or Doral with respect to Parcel "C", maybe Parcel "B" would allow the City to have other profitable land as part of the annexation.

Councilman Youngs said that the Council would not vote on annexation until it comes back and determines what property is feasible to take, and maybe none of it is feasible to take. The City is not trying to change the character of Miami Springs. It has to make common sense, and it has to do dollars and cents common sense. If it does not, then the City will not do it, and this is the spirit that he has in looking at the annexation.

Councilman Youngs said that if Council takes revitalization or redevelopment too far, and the density is increased in Miami Springs, and the traffic also increases, and there are more people, they would have permanently ruined the residential character of Miami Springs and its quality of life. This concern is at the heart of Council, and they could not allow this annexation to take the City away from the residential character of the community and their quality of life.

Councilman Youngs said that he is more worried about the economic situation the City is under as Miami Springs will not be able to afford the quality of life they have now. It may not happen right away; perhaps 10-15 years down the road, unless there is an optimal mix of residential and commercial property tax base to spread out the additional cost of serving the residences as opposed to commercial properties. The annexation is critical to the City to assure that they would be able to afford the quality of life they are accustomed to. Therefore, he favors the proposal.

Councilman Pacheco is also concerned with the quality of life in Miami Springs. In many ways, the

City is fortunate because when Glenn Curtiss designed the City, he used natural boundaries to contain the City, the river, the Canal, the Airport. As Council decides to go forward with the annexation, he does not believe that the annexation, as currently considered, will have an impact in the quality of life, but Council needs to continue to protect it in the future. The tax dollars are there, and the City has to analyze whether or not the annexation will be beneficial for the City.

Councilman Pacheco agreed with Councilman Youngs in that every year the cost of doing business goes up, regardless of how many administrators or employees there are. Cuts may be done, but payroll, insurance, gasoline and everything else goes up, so at some point, whether it is in 5-10-15 years, Miami Springs will have to make drastic cuts in the services, and this will certainly come up as Council works on the budget in the coming months.

Councilman Pacheco said that the County has made it clear that all unincorporated areas will be incorporated, and he would rather choose which areas the City wants, rather than having the County order the City on which lands to take.

Mayor Bain said he would go along with Council on the annexation, but that he has major reservations on Parcel "B", and he wants to make it perfectly clear that this process is only a start, and the annexation has to be analyzed to make sure it is profitable for Miami Springs.

Mayor Bain suggested having special meetings, once a month, to keep residents informed of the steps that are being taken. He said he wanted a commitment from Council.

Councilman Youngs stated that since he is the designated Council liaison to the County and other cities, he is happy to make that commitment and assure the residents they would be informed about the pros and cons of the annexation. He would also commit to keep the areas for proposed annexation informed.

Vice Mayor Elza suggested that instead of having special meetings, the public could be informed by scheduling a status report on annexation as an agenda item.

Mayor Bain agreed that it could be an agenda item, as long as the residents are properly informed. He stressed that Council needs to be cautious to make sure the right decisions are made.

Councilman Pacheco stated that the City needs to find out about the 112 Expressway and how it is cutting through Section "B".

Mayor Bain said that he does not like the idea of getting "B" just to get Parcel "C".

Councilman Youngs said it is almost impossible to predict how this will turn out according to his experiences in negotiations when several parties are involved, and negotiations have to take place with the County Commission. He suggested keeping Parcel "B" in the plan as something that the City would like to look at in the future. He stressed that these are the areas that the City would like

to annex and, at this stage of the application, subject to review of what the County tries to do with it, and subject to negotiation with the other interested municipalities.

Vice Mayor Elza said the City would have to go through a procedure and the County will come back to the City to mitigate the sewer, water, franchise fees and everything that is involved, as it is his understanding that Hialeah made a pitch for a piece of land mentioned earlier, and there are issues when the County wants to keep a little piece of everything, even after the fact that the land is annexed. This would have to be considered in the cash flow projections. He was of the opinion that the City should go ahead with the annexation process.

**Vice Mayor Elza moved to approve the ordinance on second reading.**

City Planner Richard E. Ventura stated that the Corradino Group is examining the effect of the 112 Interconnector and has had at least one meeting with the Florida Department of Transportation (FDOT).

Mr. Corradino stated that FDOT is not very concerned with the City's application. They will not fight it. They will do whatever is best for the program of the Miami Intermodal Center (MIC). The property is divided in several ways, with an Interconnector with terminals for the rental car facilities and the transit, and also for some enterprise zoned areas. They will defer to the County in terms of the application and they will not be hampering the City's ability to annex that area.

Councilman Pacheco said that he was more concerned with what the area would be like once FDOT gets through with their plans, and what land will be there.

Mr. Corradino said that potentially one million square feet of commercial area would be left as it develops in 10-20 years.

To answer the Mayor's question, Mr. Corradino said the MIC would probably take 60% of the land and approximately 30% would be left over for commercial retail type of uses.

To answer Vice Mayor Elza's question, Mr. Corradino said the MIC does not require the area at the present time but in the proposal with the Interconnector.

Mr. Corradino said the Interconnector is essentially a road that connects the 112 Expressway and the 836 Expressway and it has a right of way that is not yet defined, it is only in the planning stages, and they would have to choose an exact right of way. There is also the Metrorail that could potentially cut the area in a couple of different alignments, and the land that has so far been acquired for the early stages of the facility development itself.

Vice Mayor Elza said that the Amtrak should also be considered. Mr. Corradino agreed that there are all kinds of rail lines that will meet there.

Councilman Pacheco summed it up by saying that all that would be left from Parcel "B" for

commercial use is approximately 30% of the land. Mr. Corradino corroborated this statement.

The City Attorney said that what it is ironic is that the original connector was supposed to go through the Abraham Tract, and former Mayor Cavalier and former City Planner Steve Johnson were able to have them agree to move it back and at least the Abraham Tract remained intact.

Mayor Bain emphasized that the City has to do some homework regarding Parcel "B".

**Attorney Seiden said there was a motion in the floor and it probably died for lack of a second.**

The City Attorney said that before another motion is on the floor, he would like to remind Council that any motion that they pass in regard to the annexation should give the Administrative Staff and the City Attorney a little bit of leeway in the actual final product of the map and the legal description because there are three final decisions that have to be made and there are no final answers at this point. One being the natural or appropriate boundary bouncing against where the City of Miami southern boundary is on Section "B", and it has to be determined because the County will not allow one block or two blocks of enclave. He said that the N. W. 74<sup>th</sup> street boundary is appropriate, but there is a question about the triangle, and if it should be included. The southern boundary, although it was advertised all the way to 836, a determination needs to be made regarding where the airport area is going to be, whether it is 16<sup>th</sup> or 20<sup>th</sup> street. Also, there is a prior agreement in the final agreement or map to exclude the FEC property.

Councilman Youngs inquired if there is a definitive answer regarding the southern boundary of the Hialeah Rail Yard.

**Vice Mayor Elza moved to approve the ordinance on second reading, and allow the Administrative Staff, City Planner and City Attorney to determine what the southern boundary of Parcel "B" is so that it is concurrent with the City of Miami, subject to resolving the issue of the triangle at N. W. 74<sup>th</sup> Street in Area "C" and that the southern boundary of Area "C" will be determined, and that what is commonly referred to as the FEC property will be excluded from the application.**

**Councilman Pacheco seconded the motion.**

Mayor Bain requested that answers to all of these questions be ready for Council at the next regular meeting scheduled for August 11, 2003.

**On roll call, the motion was unanimously carried 4-0. (Ordinance No. 900-2003).**

## **5. Consideration of Hiring a Lobbyist to Assist with the Annexation Process (Deferred: 6/23/2003)**

City Attorney Jan K. Seiden stated that he faxed a copy of Michael A. Sprovero's memorandum to Steel Hector and Davis. In light of this, they did not intend to do another presentation, but they

would be available in the future should Council have any additional questions.

Interim City Manager/Building Official Michael A. Sprovero stated that during the June 23, 2003 meeting, Council received presentations from the firms of Steel Hector and Davis and Meridian International Group pertaining to their services as lobbyists for the City during the annexation process.

Mr. Sprovero said that Staff has consulted with the Corradino Group and they feel that it is too early in the application process to even consider or obligate the City for hiring a lobbyist and they recommend holding off at this time. Last week he had a conversation with County Commissioner Rebeca Sosa, and she strongly recommended that the City not hire a lobbyist at all. She said the best lobbyists would be the elected officials and the residents of Miami Springs.

**Vice Mayor Elza moved to defer this item.**

Councilman Youngs thanked Steel Hector and Davis and Sergio Pereira of Meridian International Group for being interested.

**Councilman Pacheco seconded the motion.**

In discussion, Councilman Pacheco stated that the best lobbyist would be Commissioner Sosa.

Mr. Sprovero added that Commissioner Sosa had offered to help in any way she can with the annexation process.

Mayor Bain stated that Commissioner Sosa had said the same thing to him.

Vice Mayor Elza added that the option remains open for Council in the future if there is a need.

**On roll call the motion was unanimously carried 4-0.**

**6. Resolution - A Resolution of the City Council of The City of Miami Springs, Florida Authorizing Signatories for all City Bank, Savings and Trust Accounts; Authorizing Acceptance of Two Facsimile Signatures of Interim City Manager Michael A. Sprovero, Finance Director Charles G. Marshall; Authorizing the Combined Manual Signatures of Interim City Manager Michael A. Sprovero, Finance Director Charles G. Marshall, and Chief of Police H. Randall Dilling; Rescinding all Resolutions in Conflict; Effective Date**

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden stated that when there is a change in the chain of command at the top, so that the City can function appropriately and issue checks, a resolution like this is needed. This is an appropriate resolution, which is approved every time there is a change.

**Vice Mayor Elza moved to adopt the resolution. Councilman Pacheco seconded the motion, which was unanimously carried 4-0 on roll call vote. (Resolution No. 2003-3224)**

**7. Approval of the City Attorney's Invoice for June 2003, in the Amount of \$8,717.50.**

There was no discussion regarding this item.

**Councilman Pacheco moved to approve payment of the City Attorney's invoice. Councilman Youngs seconded the motion and it was carried 4-0 on roll call vote.**

**8. Resolution - A Resolution of the City Council of the City of Miami Springs, Florida Authorizing Issuance of the Equipment Loan Note of the City and the Execution and Delivery of the Attached Loan Agreement in an Amount not to Exceed \$272,000 Between the City and Wachovia Bank, National Association for the Financing of the Acquisition of Various Capital Equipment Accepting the Proposal of Wachovia Bank, National Association; Approving the Form of Loan Agreement and Note Evidencing Such Financing; Providing for the Payment of Such Note From the Non-Ad Valorem Funds of The City; Providing for Repeal of Inconsistent Provisions; Providing for Severability; and Providing an Effective Date**

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden stated that this resolution covers the refinancing that the Finance Director has secured after obtaining three proposals for the H.T.E. computer equipment previously approved by Council. Exhibit "A", which will be attached to the resolution, is a tabulation sheet that shows that there were three rates: 1) Century Finance - 5.1%, 2) Commercial Bank - 4.5%, and 3) Wachovia Bank - 3.14%.

Attorney Seiden said that Attachment "B" to the resolution is the actual fee from the proposal sheet from Wachovia Bank. This is a three-year loan at an interest rate of 3.14% to provide for the purchase of the computer equipment. The City characterizes this transaction as a loan. It does not encumber anything specifically, and the City is not required to use Ad Valorem taxation, and the loan can be paid back from any revenue source. The only security for this loan is that Council is, by the execution and approval of this loan, authorizing the budgetary appropriation every year for the payment of the loan over the three-year period.

Attorney Seiden explained to Council that in order for the loan to be at such a low interest rate, and in order for Wachovia Bank to be in a position to offer it to the City, the Bank may characterize it

with the State of Florida in such a way that it would be tax exempt for their purposes, but this will not impact the City. The City considers this loan strictly as an equipment loan. The documents are quite voluminous and there are some documents that will require the signature of the Council members this same evening, especially the Mayor's signature.

Finance Director Charles G. Marshall clarified that the final interest rate is 3.11%.

In response to Councilman Pacheco's question, Mr. Marshall said that the payments are not monthly by they will be made semi-annually for an approximate amount of \$48,000 (January and July), and he has already appropriated the funds for the next year's budget.

Attorney Seiden said that one of the documents that needs to be signed is a Certificate of Public Meetings, and it means that none of the Council members have met outside of the Sunshine to agree or disagree in regards to this particular loan. The other documents are standard loan documents.

Vice Mayor Elza asked if the loan contains a pre-payment penalty, and the City Attorney responded affirmatively. He added that the formula to calculate the penalty is quite complicated, but the loan has a very low interest rate.

**Vice Mayor Elza moved to adopt the resolution and Councilman Pacheco seconded the motion, which was carried 4-0 on roll call vote. (Resolution No. 2003-3225).**

#### **14. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 9:07 p.m.

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Billy Bain  
Mayor

**ATTEST:**

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Magali Valls, CMC  
City Clerk

Approved as written during meeting of: 8/11/2003

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.